

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No:
Date Filed:

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PETER RICHARD ANTHONY SIMPSON,

Plaintiff,

Plaintiff designates Bronx County
as the place of trial.

- against -

SUMMONS

SILVIA MEJIA-JOHNSON
and MARQUEZ TRUCKING, INC.,

The basis of venue is CPLR 503.

The county in which the cause of
action arose.

Defendants.
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TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the Plaintiff's Attorneys within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York
October 19, 2021

RATSENBERG & ASSOCIATES, P.C.
Yours etc.,

BY: N. Ratsenberg
NATALIA RATSENBERG, ESQ.
Attorneys for Plaintiff

PETER RICHARD ANTHONY SIMPSON
2579 East 17th Street, Suite 51
Brooklyn, New York 11235
(718) 676-5757

To: SILVIA MEJIA-JOHNSON
900 Talley Street
Hampton, GA 30228

MARQUEZ TRUCKING, INC.
c/o Lorenzo Marquez
4219 Spruce Trail
Gainesville, GA 30504

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No:

-----X
PETER RICHARD ANTHONY SIMPSON,

Plaintiff,

- against -

VERIFIED COMPLAINT

SILVIA MEJIA-JOHNSON
and MARQUEZ TRUCKING, INC.,

Defendants.
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Plaintiff, by his attorneys, RATSENBERG & ASSOCIATES, P.C., complaining of the
defendants herein, respectfully states and alleges, upon information and belief, as follows:

PARTIES

1. Plaintiff, PETER RICHARD ANTHONY SIMPSON, at all times of the
institution of this action, was and still is a resident of the County of Queens, City and State of
New York.

2. Upon information and belief, that at all times hereinafter mentioned, the
defendant, SILVIA MEJIA-JOHNSON, at all times of the institution of this action, was and still
is a resident of the County of Clayton, State of Georgia.

3. Upon information and belief, that at all times hereinafter mentioned, the
defendant, MARQUEZ TRUCKING, INC., at all times of the institution of this action, was and
still is a foreign business corporation, duly organized and existing under the laws of the State of
Georgia, with principal offices located in the County of Hall, State of Georgia.

FACTUAL BACKGROUND

4. Plaintiff repeats and realleges each and every allegation set forth in each and
every paragraph herein before set forth inclusive of this complaint, with the same force and
effect as though herein set forth as length.

5. Upon information and belief, that at all times hereinafter mentioned, the defendant, MARQUEZ TRUCKING, INC., was the titled owner of a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

6. Upon information and belief, that at all times hereinafter mentioned, the defendant, MARQUEZ TRUCKING, INC., was the registered owner of a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

7. Upon information and belief, that at all times hereinafter mentioned, the defendant, MARQUEZ TRUCKING, INC., was the named insured of a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

8. Upon information and belief, on or about November 8, 2018, the defendant, MARQUEZ TRUCKING, INC., via an agent, servant and/or employee, operated a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

9. Upon information and belief, on or about November 8, 2018, the defendant, MARQUEZ TRUCKING, INC., via an agent, servant and/or employee, controlled a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

10. Upon information and belief, on or about November 8, 2018, the defendant, MARQUEZ TRUCKING, INC., via an agent, servant and/or employee, maintained a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

11. Upon information and belief, that at all times hereinafter mentioned, the defendant, SILVIA MEJIA-JOHNSON, was the titled owner of a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

12. Upon information and belief, that at all times hereinafter mentioned, the defendant, SILVIA MEJIA-JOHNSON, was the registered owner of a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

13. Upon information and belief, on or about November 8, 2018, the defendant, SILVIA MEJIA-JOHNSON, operated a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

14. Upon information and belief, on or about November 8, 2018, the defendant, SILVIA MEJIA-JOHNSON, controlled a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

15. Upon information and belief, on or about November 8, 2018, the defendant, SILVIA MEJIA-JOHNSON, maintained a certain motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018.

16. Upon information and belief, the defendant, SILVIA MEJIA-JOHNSON, was operating the aforesaid motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018 with the consent of the owner, express or implied.

17. Upon information and belief, the defendant, SILVIA MEJIA-JOHNSON, was operating the aforesaid motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018 with the actual and/or constructive knowledge of the owner of said vehicle.

18. Upon information and belief, on or about November 8, 2018, the defendant, SILVIA MEJIA-JOHNSON, was an agent, servant, and/or employee of the defendant, MARQUEZ TRUCKING, INC.

19. On or about November 8, 2018, at approximately 1:55 PM, Plaintiff, PETER RICHARD ANTHONY SIMPSON, was lawful operating a certain motor vehicle bearing New Jersey State Registration Plate No. 235743R for the year 2018.

20. On or about November 8, 2018, at approximately 1:55 PM, Plaintiff, PETER RICHARD ANTHONY SIMPSON, was operating the motor vehicle bearing New Jersey State Registration Plate No. 235743R for the year 2018 with the permission and consent of the owner.

21. On or about November 8, 2018, at approximately 1:55 PM, while Plaintiff, PETER RICHARD ANTHONY SIMPSON, was lawful operating the motor vehicle bearing New Jersey State Registration Plate No. 235743R for the year 2018, and traveling southbound on the Throgs Neck Expressway (Interstate 695), at or near Dewey Avenue in the County of Bronx, City and State of New York, the motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018 came into contact with the rear end of the motor vehicle being operated by Plaintiff, PETER RICHARD ANTHONY SIMPSON and owned by PARAMUS WORLD MOT.ORS. LLC

22. At all times hereinafter mentioned the Throgs Neck Expressway (Interstate 695), at or near Dewey Avenue in the County of Bronx, City and State of New York, was a public roadway intended for the lawful use of motor vehicles.

23. This action falls within one or more of the exceptions set forth in Section 1602 of the CPLR.

AS AND FOR A FIRST CAUSE OF ACTION
(NEGLIGENCE)

24. Plaintiff repeats and realleges each and every allegation set forth in each and every paragraph herein before set forth inclusive of this complaint, with the same force and effect as though herein set forth as length.

25. The aforesaid occurrence was caused by the negligence, carelessness and recklessness of the defendant, MARQUEZ TRUCKING, INC., in the ownership, operation, maintenance, and/or control of the motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018, without any negligence, carelessness and/or recklessness on the part of Plaintiff contributing thereto.

26. The aforesaid occurrence was caused by the negligence, carelessness and recklessness of the defendant, SILVIA MEJIA-JOHNSON, in the ownership, operation,

maintenance, and/or control of the motor vehicle bearing Georgia State Registration Plate No. IC2E11 for the year 2018, without any negligence, carelessness and/or recklessness on the part of Plaintiff contributing thereto.

27. By reason of the foregoing occurrence, Plaintiff, PETER RICHARD ANTHONY SIMPSON, sustained serious injury as defined in Section 5102 (d) of the Insurance Law of the State of New York.

28. As a result of the foregoing occurrence, Plaintiff, PETER RICHARD ANTHONY SIMPSON, suffered "economic loss" in excess of "basic economic loss," as those terms are defined by Article 51 of the Insurance Law of the State of New York.

29. By reason of the foregoing, Plaintiff has been damaged in an amount, which after the adjustments and calculations expected to be required by the application of article 50-B of the Civil Practice Law and Rules exceeds the jurisdictional limit of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff, PETER RICHARD ANTHONY SIMPSON, demands judgment against the defendants, SILVIA MEJIA-JOHNSON and MARQUEZ TRUCKING, INC., jointly and severally, as follows:

- (a) On the First Cause of Action in an amount which exceeds the jurisdictional limits of all lower court which would otherwise have jurisdiction;
- (b) Awarding Plaintiff interests, costs, and disbursements in this action; and
- (c) Granting such and other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: Brooklyn, New York
October 19, 2021

RATSENBERG & ASSOCIATES, P.C.

Yours etc.,

BY: *N. Ratsenberg*
NATALIA RATSENBERG, ESQ.

Attorneys for Plaintiff

PETER RICHARD ANTHONY SIMPSON

2579 East 17th Street, Suite 51

Brooklyn, New York 11235

(718) 676-5757

ATTORNEY'S VERIFICATION

NATALIA RATSEMBERG, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at RATSEMBERG & ASSOCIATES, P.C., attorneys of record for Plaintiff, **PETER RICHARD ANTHONY SIMPSON**. I have read the foregoing Complaint and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not Plaintiff is that Plaintiff is not presently in the county wherein the attorneys for the plaintiff maintain their offices.

Dated: Brooklyn, New York
October 19, 2021



NATALIA RATSEMBERG

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

PETER RICHARD ANTHONY SIMPSON,

Plaintiff,

- against -

SILVIA MEJIA-JOHNSON
and MARQUEZ TRUCKING, INC.,

Defendants.

SUMMONS & VERIFIED COMPLAINT

RATSENBERG & ASSOCIATES, P.C.

ATTORNEYS AT LAW

Attorneys for Plaintiff

PETER RICHARD ANTHONY SIMPSON

2579 East 17th Street, Suite 51
Brooklyn, New York 11235

Tel. (718) 676-5757
Fax (718) 676-5758

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:October 19, 2021

Signature: N. Ratsenberg
Print Signer's Name: NATALIA RATSENBERG, ESQ.